

1 Honorable Marsha J. Pechman
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 NORTHSHORE SHEET METAL, INC.,

Case No. 2:15-cv-01349 MJP

11 Plaintiff,

JOINT STATUS REPORT

12 v.

13 SHEET METAL WORKERS
14 INTERNATIONAL ASSOCIATION,
15 LOCAL 66,

Defendant.

16 **1. A statement of the nature and complexity of the case.** This case concerns
17 Defendant's violation of a no-strike provision in a Labor Agreement, and allegations that
18 Defendant has unlawfully engaged in secondary activity in violation of the National Labor
Relations Act ("Act"). This is not a complex case.

19 **2. A proposed deadline for joining additional parties.** The parties anticipate
20 the need for initial discovery before they can confirm whether additional parties are
21 necessary. That deadline should also be set for May 1, 2016.

22 **3. The parties have the right to consent to assignment of this case to a full
time United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule
MJR 13 to conduct all proceedings.** The parties do not agree to a Magistrate Judge.

1 4. A discovery plan that states, by corresponding paragraph letters (A, B,
2 etc.), the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
3 includes the following topics:

- 4
- 5 (A) **Initial disclosures:** The Court has ordered that the Parties exchange
6 initial disclosures by November 2, 2015.
- 7
- 8 (B) **Subjects, timing and potential phasing of discovery:** The parties
9 expect discovery on the pleadings, including violations of the no-strike
10 provision, and violations of 8(b)(4) of the Act, and defenses thereto.
11 The parties do not propose discovery in phases or that it be limited in
12 scope, other than as limited by the rules.
- 13
- 14 (C) **Electronically stored information:** No.
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- 16 (D) **Privilege issues:** No unusual privilege issues.
- 17
- 18 (E) **Proposed limitation on discovery.** The parties do not propose ordered
19 limits on discovery.
- 20
- 21 (F) **The need for any discovery related orders.** Plaintiff believes that
22 certain protective orders may be necessary, and the parties have agreed
23 to discuss such protective orders as necessary.

24 5. The parties' views, proposals and agreements, by corresponding
25 paragraph letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which
includes the following topics:

- 26
- 27 (A) **Prompt case resolution:** The Parties have agreed to mediate when the
28 time is proper.
- 29
- 30 (B) **Alternative dispute resolution:** Mediation
- 31
- 32 (C) **Related cases:** None.
- 33
- 34 (D) **Discovery management:** No special management required.

(E) Anticipated discovery sought: The parties anticipate formal discovery as set forth above.

(F) Phasing motions: No.

(G) Preservation of discoverable information: The Parties understand their responsibilities to preserve discoverable information, and do not believe that will be an issue in this case

(H) Privilege issues: There are no unusual privilege issues.

(I) **Model Protocol for Discovery of ESI:** There are no unusual discovery issues related to ESI.

(J) Alternatives to Model Protocol: None needed.

6. The date by which discovery can be completed. The parties suggest August 31, 2016 as the discovery deadline.

7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way. The parties currently do not believe the case is appropriate for bifurcation.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i) and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy. No.

9. Whether the parties intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1. The parties are amenable to ADR options.

10. Any other suggestions for shortening or simplifying the case. None.

11. The date the case will be ready for trial. The Court expects that most civil cases will be ready for trial within a year after filing the Joint Status Report and Discovery Plan. Mid- to end of October, 2016.

1 **12. Whether the trial will be jury or non-jury.** Plaintiff has demanded a trial
by jury.

2 **13. The number of trial days required.** Parties anticipate a three- to four-day
jury trial.

4 **14. The names, addresses, and telephone numbers of all trial counsel.**

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24 **15. The dates on which the trial counsel may have complications to be
considered in setting a trial date.** Plaintiff currently has no complications during October
25 2016. Defendant currently has no complications during October 2015.

26 **16. If, on the due date of the Report, all defendant(s) or respondent(s) have
not been served, counsel for the plaintiff shall advise the Court when service will be
effected, why it was not made earlier, and shall provide a proposed schedule for the
required FRCP 26(f) conference and FRCP 26(a) initial disclosures. Service is
complete.**

27 **17. Whether any party wishes a scheduling conference before the Court
enters a scheduling order in this case.** No.

1 **18. List the date(s) that each and every nongovernmental corporate party**
2 **filed its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.**
3 Plaintiff filed its corporate disclosure on August 24, 2015. Defendant has not filed its
4 corporate disclosure statement.
5

6 **19. Whether the parties consent to having hearing in this matter video**
7 **recorded as part of the Judiciary's Pilot Project on Cameras in the Courtroom, as set**
8 **forth in Section V below. Yes.**

9 Respectfully Submitted this 9th day of November, 2015.
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21 Approved for joint filing by:
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8 **Attorneys for Defendant**
9 **Sheet Metal Workers Int'l Association,**
10 **Local 66**

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2015, I electronically filed the foregoing ***JOINT STATUS REPORT*** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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